

MINUTES

NATURAL RESOURCES COMMISSION

Lansing Center
333 E. Michigan
Lansing

JANUARY 10-11, 2002

PRESENT

Jim Campbell
Keith J. Charters, Chair
Nancy Douglas
Paul Eisele, Vice-Chair
Bob Garner
Bill Parfet
Frank Wheatlake

K. L. Cool, Director
George Burgoyne, Resource Management Deputy
James Ekdahl, Upper Peninsula Field Deputy
Chris Dobyns, Legal Counsel
Department Staff

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:10 p.m. on Thursday, January 10, 2002. The Committee of the Whole is a working session of the NRC.

Bear Regulations Briefing

Tim Reis, Wildlife Division, reviewed proposed revisions to the Bear Hunting Regulations. Since 2000, an accumulative point preference system has been in place. Bear hunting groups were concerned that this would discourage youth hunters. The proposed changes would allow for an adult hunter to transfer their lottery success to a youth (12-16 years of age). To qualify for the transfer, a youth must have applied during the current year. Under the proposed regulations, successful youth applicants are not eligible for transfers, youths return their preference points, the adult's point total goes to zero and it is unlawful for an adult to transfer their lottery success for a fee. This proposal was accepted by all bear hunting groups. **Mr. Reis** reviewed the proposed 2002 bear management units.

Chairman Charters questioned whether, as with the youth proposal, a similar proposal could be set up for the terminally ill. **Becky Humphries, Chief, Wildlife Division**, stated this could be discussed and is a possibility. The NRC requested that language be added to the proposed regulations to include the terminally ill to be addressed in February.

Annual Wildlife Issues Calendar

Becky Humphries presented the draft Wildlife Division, NRC Issues for 2002.

House Bill 4410 - School Forests Issue

Carol Bambery, Legislative Liaison, stated that, in 1931, the legislature passed a law that allowed the Department to deed land to school districts to administer as "school forests." These lands provided students with outdoor laboratories to develop an understanding of the growth, proper management and wise use of the forest. The lands are used to demonstrate the social and economic benefits that result from proper land use and are used to develop an appreciation of the importance of woodlands as natural resources. The legislative intent was to partner with school districts to promote the education and wise use of the State's forest resources. The law as written contains a reverter clause stating that when the land is no longer used for a forestry purpose, the land shall revert to the state. House Bill 4410 allows those school districts that no longer want to use the land for the students' study of forests to petition the Department to have the required reverter clause removed from the deed so they can sell the property for financial benefits unless the Department can demonstrate a "significant" environmental interest in the property. If the Department refuses the petition, the school district can ask for a contested case hearing before the Natural Resources Commission.

There are currently 82,000 acres under the Municipal Forest Law program and approximately 300 of the state's 555 school districts have been deeded state land for forestry programs. Most of these deeds were conveyed by the state to the school districts between 1930 and 1960. Active school programs have provided both educational opportunities and significant revenue to the school district by utilizing proper forest management such as logging or thinning on the property. House Bill 4410 eliminates the intent of the Municipal Forest law and potentially diminishes the forestland base of the State and deprives future students the opportunity to participate and understand proper forestry and natural resource management. This HB has moved to third reading in the House of Representatives. At this point, House Speaker Johnson is in favor.

Mindy Koch, Chief, Forest, Mineral and Fire Management, reviewed the negative impacts to the forest resource if this Bill were to pass. The intent of this program was to promote the proper management of the forest resources and

utilize it as an educational tool. Staff has reviewed the process for removing the reverter clause on those properties. Generally, once the reverter clause is removed, the property owners do not manage for forest resources. Discussion ensued. Commissioners agreed to assist DNR staff wherever possible with the Legislature on this issue.

Sand and Gravel Update

Mindy Koch reviewed the draft DNR Sand and Gravel Mining on State-owned Lands process. This draft will be brought back to the NRC for Action in February.

Ron DeCook, Michigan County Road Association, said he appreciated staff working with the Association and other groups to find a solution to this issue. Association members voted on this process and supported it by majority vote.

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The Committee of the Whole meeting adjourned at 4:35 p.m.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

Chairman Charters called the regular meeting of the Natural Resources Commission (NRC) to order at 4:45 p.m. on Thursday, January 10, 2002.

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Chairman Charters recognized **Representative Tom Meyer** and former **Representative Mike Green**.

Public Appearances

Representative Tom Meyer
Charles Corkran, Caro
Amanda Crips, Legislative Aide to Representative Meyer
Tom Jefferey, Gagetown
Jerry Keck, Michigan Longbow Association
Matt Ricker, Gagetown
Randy Smith, Whitetails Forever Network
Jay Tuckey, Caro
Randy Wright, United Sportsmen Alliance

Representative Tom Meyer encouraged the NRC to oppose the Thumb Area Quality Deer Management (QDM) proposal. He has received over 400 contacts from individuals in opposition of this proposal. He believes this will have a negative effect on deer management in the area.

Becky Humphries stated that Thumb Area QDM surveys were sent out just before the holidays. Until the surveys are received and analyzed, there are no pending recommendations.

Amanda Crips, Legislative Aide to Representative Meyer, stated their office had received correspondence regarding the Thumb Area QDM proposal. A vast majority of the correspondence showed opposition to the proposal.

Randy Smith, Whitetails Forever Network, opposes mandatory QDM; he believes that a buck is a buck regardless of antler size; and commented on the overlap of hunting seasons this year. Whitetails Forever Network began their annual deer surveillance and will submit results when available.

Mr. Smith proudly announced that he had become a Grandpa again earlier today. Congratulations Randy!

Chairman Charters apologized for the overlapping deer seasons and stated that this was, in fact, a wording mistake and would be corrected for upcoming years.

Jay Tuckey, Caro, opposes the Thumb Area QDM proposal. He believes there is information being posted that is not factual.

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Commissioner Parfet left the meeting.

Tom Jefferey, Gagetown, opposed the proposed Thumb Area QDM proposal and does not believe that antler size constitutes a quality buck or a quality hunt.

Matt Ricker, Gagetown, opposes the proposed Thumb Area QDM proposal but supports QDM.

Randy Wright, United Sportsmen Alliance, supports voluntary QDM, but he is opposed to the proposed Thumb Area QDM proposal.

Jerry Keck, Michigan Longbow Association, supports the proposed bear hunting regulations.

Keith Charters asked Mr. Keck for his opinion on considering the terminally ill in the bear hunting regulations. He stated he has no opposition as long as "terminally ill" is properly defined.

Charles Corkran, Caro, opposes the Thumb Area QDM proposal.

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The Natural Resources Commission meeting adjourned at 6:00 p.m. on Thursday, January 10, 2002 and reconvened at 8:30 a.m. on Friday, January 11, 2002.

CLOSED SESSION

The NRC went into Closed Session from 8:35 a.m. until 9:50 a.m. Topics of discussion were pending DNR litigation cases and personnel issues.

APPROVAL OF MINUTES - DECEMBER 6-7, 2001 NATURAL RESOURCES COMMISSION

Commissioner Eisele made a motion, supported by Commissioner Wheatlake, for approval. Motion unanimously carried.

**RESOLUTION AFFIRMING THE DEPARTMENT OF NATURAL RESOURCES'
DECISION ON THE MANITOU FISHING COMPANY, L.L.C. COMMERCIAL
FISHING LICENSE**

Commissioner Douglas made a motion, supported by Commissioner Campbell, to adopt the following resolution:

Whereas, the Natural Resources Commission heard oral argument on the matter of the Manitou Fishing Company, L.L.C.'s Appeal of their 2001 Commercial Fishing License No. 606 on Friday, December 7, 2001; and

Whereas, this appeal was submitted pursuant to Part 11 of the Natural Resources and Environmental Protection Act (NREPA), MCLA 324.1101, which provides for an appeal of a final decision of the Department of Natural Resources, including the issuance of an operating license; and

Whereas, two specific issues were raised by the Company: 1) that the whitefish harvest limit under the license should be raised to 150,000 pounds; and 2) that the maximum depth at which Manitou may fish be increased; and

Whereas, Commissioners previously received briefs and attachments on behalf of the Licensee (Manitou Fishing Company) and briefs and attachments on behalf of the Department of Natural Resources, via mail. Commissioners also received, via fax, the licensee's response to the DNR brief; and

Whereas, the Commission has the authority to either affirm or deny the Department's decision; and

Whereas, Manitou Fishing Company's representative was given 15 minutes for oral argument, of which five minutes could be reserved for rebuttal. Following their argument, the DNR's representative was given 15 minutes for oral argument, none of which could be used for rebuttal. The Commission was allowed to ask questions during oral argument.

Now Therefore Be It Resolved, that Commissioner Eisele made a motion, supported by Commissioner Parfet, to affirm the Department of Natural Resources' previous decision on this matter. This motion passed 5-0. Chairman Keith Charters abstained.

Further Be It Resolved, the NRC requests that the Department of Natural Resources support the Manitou Fishing Company, within the limitations and obligations imposed by the 1836 Treaty of Washington, the court-ordered 2000 Consent Decree, and applicable state law, administrative rule, and Director's and Commission Orders, in its business-to-business negotiations with the Grand Traverse Band of Ottawa and Chippewa Indians.

Motion carried 5-0. Commissioners Charters and Garner abstained from voting.

DIRECTOR'S ACTION ITEMS

Director Cool stated he intends to sign all Items on the Agenda **except Item H, Sale of Dedicated State-owned Land, Atlanta Forest Management Unit - Montmorency County, Land Transaction Case - #20000199** which will be held over for more information.

Chairman Charters strongly supported the land transactions where consolidation of State lands occurs.

COMMISSIONER'S REPORTS

Commissioner Parfet received phone calls and letters relative to QDM, deer counting and the turkey regulations. He suggested that the NRC develop goals for 2002.

Commissioner Parfet reported he had spoken to Speaker of the House Rick Johnson to discuss House Bill 4410, and had requested a meeting with the Speaker prior to House action on the Bill.

Commissioner Wheatlake rode with a Conservation Officer in Newaygo County and was able to experience a typical day of activities. He received calls relative to QDM.

Commissioner Garner received calls relative to deer numbers and he hunted.

Commissioner Eisele received phone calls and letters relative to hunter success.

Commissioner Campbell received phone calls and communications relative to QDM and deer numbers.

Commissioner Douglas received a few favorable calls relative to QDM in the Upper Peninsula and received calls and letters relative to the dove issue. She also hosted a meeting with Kelley Smith, Fisheries Division Chief, with sport fishing groups.

Commissioner Parfet recommended reviewing the Quality Deer Management procedures.

Chairman Charters, along with **Commissioner of Agriculture Chairman Tatter** will conduct follow-up meetings with the hunt clubs in DMU 452. As well, he recommended setting the annual Upper Peninsula deer regulations meeting.

**JOINT MEETING OF THE NRC POLICY COMMITTEES ON LAND
MANAGEMENT AND FINANCE AND ADMINISTRATION**

The NRC Policy Committees on Land Management and Finance and Administration met at 12:00 noon on Thursday, January 10, 2002 in Room 202 of the Lansing Center, 333 E. Michigan, Lansing. Items of discussion were: 1) Public Land Reviews for Pilot Counties; 2) State Game Area Land Priority Planning Systems; and 3) Michigan Land Resources Project Report.

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The meeting adjourned at 10:25 a.m.

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